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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/76584-0054	05/21/01	APPL/JOHN	122-1117/USA

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EXAMINER

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ART UNIT	PAPER NUMBER
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09/76584-0054

3711

DATE MAILED:

08/23/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary	Application No.	Applicant(s)
	09/655,054	SHANNON, JOHN L.
	Examiner	Art Unit
	Alvin A. Hunter	3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 September 2000.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8, 10-14 and 20 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8, 10-14 and 20 is/are rejected.
- 7) Claim(s) 11 and 20 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) Interview Summary (PTO-413) Paper No(s). _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 11 and 20 are objected to because of the following informalities:
 - a) Regarding claim 11, lines 3 through 7, delete "the tennis net comprising . . . between two end post,"
 - b) regarding claim 11, line 20, delete "the top support" and "the tennis net" and insert --a top support—and —a tennis net--;
 - c) regarding claim 20, lines 3 through 7, delete "the tennis net comprising . . . between two end post,"; and
 - d) regarding claim 20, lines 16 and 17, delete "the top support cord" and "the tennis net" and insert --a top support cord—and —a tennis net--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheney (USPN 4976432) in view of Desmond et al. (USPN 4718671).

Cheney discloses a sectional and height adjustable singles stick in which sections are combined together to achieve the desired height (See Abstract). The sections are connected by inserting the dowel end of the section into the hollow bottom

end of another section (See Column 7, lines 50 through 68; and Column 8, lines 1 through 37). It also suggests that other methods and variations may be considered for connecting the sections together (See Column 7, lines 50 through 67). By the applicant creating a single stick that is telescoping, the method of adjustability has been equivalated and therefore is an obvious modification (See MPEP 2144.04 Section V). Furthermore, one whose assume that a telescoping device would have some type of locking variation, whether is be a slot/groove system or a locking pin system such push pins or pull pins. Cheney failed to disclose the singles stick having a height of 30 inches in the collapsed position. Desmond et al. discloses a telescoping cue stick with a locking mechanism to keep the telescoping sections from moving, which are the butt and central regions (101, 102) (See Abstract). Though Desmond et al. does not disclose a singles stick, it does disclose the use of a locking mechanism to hold the telescoping sections in place. Desmond et al. also accomplishes making the cue stick portable and adjustable (See Background of the Invention). Desmond et al., again, does not teach a single stick, but does teach the collapsability for transportation and storage and adjustable to accommodate various users.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Cheney with a telescoping adjustability means in order to provide a substitutional means for the connection of the sections taught by Cheney. It also would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Cheney with a locking means in order to hold the telescoping members in position so that they do not move during the use of

the invention as taught by Desmond et al. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Cheney to a 30-inch collapsed configuration in order to provide easily transportation and storage of the invention by the user.

3. Claims 11-14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheney (USPN 4976432).

Cheney discloses a sectional and height adjustable singles stick in which sections are combined together to achieve the desired height (See Abstract). The sections are connected by inserting the dowel end of the section into the hollow bottom end of another section (See Column 7, lines 50 through 68; and Column 8, lines 1 through 37). It also suggests that other methods and variations may be considered for connecting the sections together (See Column 7, lines 50 through 67). By the applicant creating a single stick that is telescoping, the method of adjustability has been equivalated and therefore is an obvious modification (See MPEP 2144.04 Section V). Furthermore, one whose assume that a telescoping device would have some type of locking variation, whether is be a slot/groove system or a locking pin system such push pins or pull pins.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Cheney with a telescoping adjustability means in order to provide a substitutional means for the connection of the sections taught by Cheney. It also would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Cheney with a locking means in order

to hold the telescoping members in position so that they do not move during the use of the invention.

Response to Arguments

Applicant's arguments with respect to claims 1, 11, and 20 have been considered but are moot in view of the new ground(s) of rejection.

In the previous office action, claim 9 was indicated as allowable. The examiner has new reasoning as to why the indicated subject matter is no longer allowable; therefore, the above office action has been furnished.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is 703-306-5693. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeanette Chapman, can be reached on (703) 308-1310. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.


JEANETTE CHAPMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700